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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,100	02/09/2004	Arthur Richard Powers Jr.	P-0301 ARP	2099

28752 7590 02/07/2008  
LACKENBACH SIEGEL, LLP  
LACKENBACH SIEGEL BUILDING  
1 CHASE ROAD  
SCARSDALE, NY 10583

EXAMINER
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LE, HUYEN D

ART UNIT	PAPER NUMBER
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2615

MAIL DATE	DELIVERY MODE
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02/07/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,100	<b>Applicant(s)</b> POWERS, ARTHUR RICHARD	
	<b>Examiner</b> HUYEN D. LE	<b>Art Unit</b> 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/20/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 8, 10, 12, 19, 27 and 28 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 7, 9, 11, 13-18 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1-3, 6, 8, 10, 12, 19, 27 and 28 is withdrawn in view of the newly discovered reference(s) to Yoshii et al. (U.S. patent 6,484,843). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

2. Claim 6 recites the limitation "said use" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 recites the limitation "said use" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said fourth cylindrical opening" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 16 recites the limitation "said fourth cylindrical opening" in line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-3, 6, 8, 10, 12, 19, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshii et al. (U.S. patent 6,484,843).

Regarding claims 1, 3 and 27, Yoshii et al. teaches a cylindrical speaker system that comprises a cylindrical body unit (21a, 21b) defining a first axis. As shown in figures 13-15, the body unit (21a, 21b) includes at least one speaker (1) having at least a front speaker face and rear speaker face, and the front speaker face is positioned at a first side of the body unit opposite an open second side of the body unit (13).

Yoshii shows at least a cylindrical rear cover unit (10) that is coaxial to the first axis, defines a single cylindrical opening, and continuously bounds a respective enclosed space defined therein in which a medium of electro-mechanical energy absorption is disposed (figures 1, 9, 12-15). Further, Yoshii teaches means (23) for securing the body unit (21a, 21b) to the rear cover unit (figures 13-14). As shown in the drawings, the total length of the speaker system along the first axis is greater than a maximum diameter of the speaker system.

Yoshii does not specifically disclose the speaker that is a stage speaker system. However, it therefore would have been obvious to one skilled in the art to apply the speaker system of Yoshii in any application such as a stage speaker system for greater application.

Regarding claim 2, Yoshii does not disclose the ratio as claimed. However, Yoshii does not restrict the size, the diameter or the length for the speaker system.

Therefore, it would have been obvious to one skilled in the art to provide any size, diameter or the length for the speaker system of White such as the speaker system with the ratio of the total length to the maximum diameter about  $1 < X < 3.5$  depending on the applications.

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Regarding claims 6 and 8, as broadly claimed, Yoshii shows a shielding unit and at least one cover screening unit (31, 32) as claimed (figures 3, 9).

Regarding claims 10 and 19, Yoshii teaches an audio connection from a rear face of the rear cover to the speaker (1). Yoshii does not specifically teach waterproof means in the rear cover as claimed. However, providing waterproof means for a speaker system is known in the art.

Therefore, it would have been obvious to one skilled in the art to provide the waterproof means in the rear cover (10) for better protecting the speaker unit from water.

Regarding claims 12 and 28, Yoshii et al. teaches a cylindrical speaker system that comprises a cylindrical body unit (21a, 21b) defining a first axis. As shown in figures 13-15, the body unit (21a, 21b) includes at least one speaker (1) having at least a front speaker face and rear speaker face, and the front speaker face is positioned at a first side of the body unit opposite an open second side of the body unit (13).

Yoshii shows at least a cylindrical rear cover unit (10) that is coaxial to the first axis, defines a single cylindrical opening, and continuously bounds a respective enclosed space defined therein in which a medium of electro-mechanical energy absorption is disposed (figures 1, 9, 12-15). Further, Yoshii teaches clamping means (23) for removably clamping the body unit (21a, 21b) to the rear cover unit (figures 13-14) and shielding unit (31, 32, figures 3, 9) as claimed.

Yoshii does not specifically disclose the speaker that is a stage speaker system. However, it therefore would have been obvious to one skilled in the art to apply the speaker system of Yoshii in any application such as a stage speaker system for greater application.

Further, Yoshii does not specifically disclose the ratio as claimed. However, Yoshii does not restrict the size, the diameter or the length for the speaker system.

Therefore, it would have been obvious to one skilled in the art to provide any size, diameter or the length for the speaker system of White such as the speaker system with the ratio of the total length to the maximum diameter about  $1 < X < 3.5$  depending on the applications.

***Allowable Subject Matter***

5. Claims 4, 5, 7, 9, 11, 13-18 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUYEN D. LE whose telephone number is (571) 272-7502. The examiner can normally be reached on 9:30AM-6:00PM.

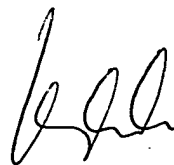
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HL  
February 3, 2008



HUYEN LE  
PRIMARY EXAMINER